

REMARKS

Favorable reconsideration of this application is requested in view of the foregoing amendments and the following remarks. Claims 18-25 and 34 are pending in the application. Claims 1-17 and 26-33 were previously canceled without prejudice or disclaimer. At item 5, page 1 of the Office Action, claims 20 and 21 were indicated as containing allowable subject matter. This indication of allowable subject matter is very much appreciated. Claims 20-21 were rewritten in independent form. Claim 34 is newly presented. Support for claim 34 is found on p. 6, paragraph 24 of the specification as well as in Fig. 1(d) and Fig. 6(g).

Claims 18 and 19 were rejected by the Examiner under 35 USC 102(b) as being anticipated by Guillom (2002/0175323). Guillom fails to disclose or teach the claimed nanoconduit as the nanoconduit is defined by the specification on page 6, paragraphs 23 and 24. The Examiner equates the nanotube disclosed by Guillom with a nanoconduit. Guillom only discloses vertically aligned carbon nanostructure fibers (VACNFs). Fibers are not conduits. As pointed out on p. 6, paragraph 24, of the specification, the present invention can, as one embodiment, utilize VACNFs as a template for the formation of nanoconduits, a process in which the VACNFs are removed, leaving a tubular nanostructure.

Newly presented claim 34 has been added to further clarify this aspect of the invention. Guillom fails to teach a nanoconduit including a tubular nanostructure.

Furthermore, Guillom also fails to teach a substrate defining an aperture, since the Si substrate of Fig. 1 of Guillom has no aperture. If the Examiner chooses to interpret the whole structure of Fig. 1 as the substrate and the cavity as an aperture, this still fails to anticipate the limitations of claim 18, since the nanotube is within the cavity, rather than showing a nanoconduit contiguous with an aperture.

Accordingly, withdrawal of this rejection is respectfully requested.

Claims 22-25 were rejected by the Examiner under 35 USC 103 as being unpatentable over Guillom (2002/0175323). For the reasons stated above, Guillom fails to disclose the limitations of claim 18. Therefore, Guillom does satisfy the requirements of obviousness.

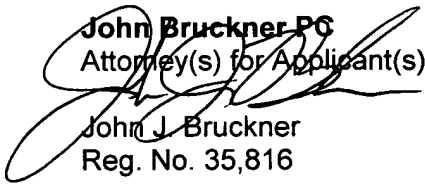
Accordingly, withdrawal of this rejection is respectfully requested.

Other than as explicitly set forth above, this reply does not include acquiescence to statements, assertions, assumptions, conclusions, or combination thereof in the Office Action. In view of the above, all the claims are considered patentable and allowance of all the claims is respectfully requested. The Examiner is invited to telephone the undersigned (at direct line 512-394-0118) for prompt action in the event any issues remain that prevent the allowance of any pending claims.

In accordance with 37 CFR 1.136(a) pertaining to patent application processing fees, Applicant requests an extension of time from June 9, 2006 to July 9, 2006 in which to respond to the Office Action dated March 9, 2006. A notification of extension of time is filed herewith.

The Director of the U.S. Patent and Trademark Office is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 50-3204 of John Bruckner PC.

Respectfully submitted,


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